

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA ex rel.  
Christian M. Heesch,

Plaintiff,

v.

DIAGNOSTIC PHYSICIANS GROUP, P.C.;  
IMC - DIAGNOSTIC AND MEDICAL  
CLINIC, P.C.; IMC - NORTHSIDE CLINIC,  
P.C.; INFIRMARY MEDICAL CLINICS,  
P.C.; and INFIRMARY HEALTH SYSTEM,  
INC.

Defendant.

Civil Action No. 11-364-KD-B

**Oral Argument Requested**

**INFIRMARY DEFENDANTS' MOTION TO DISMISS  
UNITED STATES' COMPLAINT IN INTERVENTION**

Defendants IMC - Diagnostic and Medical Clinic, P.C. ("DMC"), IMC - Northside Clinic, P.C. ("Northside"), Infirmary Medical Clinics, P.C. ("IMC"), and Infirmary Health System, Inc. ("IHS") (collectively, the "Infirmary Defendants") hereby move the Court pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss all counts against them contained in the United States' Complaint in Intervention (Doc. 30) because the United States: (a) failed to meet the minimum pleading requirements of Fed. R. Civ. P. 8 and 9(b); (b) failed to plead any facts stating a claim against IMC and IHS (which are simply related companies of other defendants DMC and Northside Clinics), either directly or indirectly; and (c) failed to identify whether Counts IV and V were brought under state or federal common law. In the alternative, regarding Counts IV and V, the Infirmary Defendants respectfully request that the Court order the United States to file a more definite statement identifying whether those counts are brought pursuant to state or federal common law, and an opportunity to file a responsive pleading thereto.

This motion is supported by an accompanying Brief in Support of Infirmity Defendants' Motion to Dismiss the United States' Complaint in Intervention. The Infirmity Defendants request oral argument pursuant to Local Rule 7.3 if the Court believes oral argument would assist in the disposition of this motion.

Dated: October 7, 2013

Respectfully submitted,

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and Medical Clinic, P.C., IMC - Northside  
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and Infirmary Health System, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such to all counsel of record.

Dated: October 7, 2013

/s/ Caine O'Rear III  
Caine O'Rear III